

## **Submission from Angus Council**

### **General approach**

1. In the Policy Memorandum, Mark Griffin MSP says he considered a number of alternative approaches to achieve his intention of promoting BSL, for example, by establishing a voluntary code or adapting existing legislation, such as the Equality Act 2010. He concluded that introducing the BSL Bill was the best approach.

### **Do you think we need to change the law to promote the use of BSL and, if so, why?**

Yes, we should have a BSL Bill in Scotland as amendments to existing legislation may not be sufficient. Under the Equality Act 2010, asking for information and services in BSL is only available as a *'reasonable adjustment. What is reasonable for an organisation to do depends, among other factors, on its size and nature, and the facilities or services it provides, or the public functions it carries out'*. Separate legislation may be the best way of promoting and embedding BSL as a minority language in Scotland. It would also improve consistency of service delivery to BSL users and make informed choice a reality for members of the deaf community.

The See Hear strategy (2014) applies to children and adults living with sensory impairment and states that they should expect seamless provision in terms of access to employment, education, leisure, health and social care. This Bill goes some way to achieving that for this small number of people within the wider population of those with some form of sensory impairment.

2. Mark Griffin MSP hopes that the obligations under the Bill will, in practice, "lead public authorities to increase the use they make of BSL and the extent to which they are in a position to respond to demand for services in BSL" (Financial Memorandum, paragraph 4).

### **How realistic do you think this aim is and to what extent do you believe the Bill can achieve this objective?**

In 2006, New Zealand passed the NZSL Act. This was reviewed in 2010/11. The review report stated that Deaf Sign Language users had more access to information and services since the Act was passed. One of the outcomes from the Act was that more hearing people wanted to learn NZSL and from that, Deaf NZSL users felt they were more involved in the wider community. The review found that the New Zealand Government led the way in providing information and services in NZSL and those government departments increasingly applied the Act to their work.

At the present time, service delivery to BSL users is variable across local

authorities. Many public services do not provide information and/or services in BSL. Recent examples in Tayside have been reported of BSL users in hospitals unable to access an interpreter. Similarly council websites do not commonly have information available in BSL format. Deaf BSL users need to access this information in their own language.

The Bill could have a further positive impact of requiring an increased level of BSL skills for specialist teachers of deaf children. The current qualification standards required to become a Teacher of Deaf Children in Scotland make it compulsory for teachers who are employed to work wholly or mainly with deaf pupils to have an appropriate qualification. This is either obtained via a Masters qualification delivered at university level, or by attaining a set of competencies, assessed at local level. The ToD qualification guidelines specify that all teachers of deaf children should hold a minimum of level 1 (Foundation) BSL. There is therefore an implication in the guidance that a teacher may have a lower level of competence of BSL than the pupil they are supporting, especially if they are from a Deaf BSL family.

There is a severe shortage of BSL interpreters generally and it can take up to eight years for one to become fully qualified. This issue needs to be addressed as a matter of urgency, as public bodies are struggling to meet current demand, as required under equality legislation to provide alternative communication formats.

3. The Bill is solely about the use of BSL.

### **Could there be unintended consequences for other languages or forms of communication used by the deaf community?**

The Bill could have unintended positive consequences for all people who have a hearing loss, because as public bodies become more BSL and Deaf aware, they should also become more deaf aware generally which would benefit all people with a hearing loss not just BSL users. It is important the needs of Deafblind people are taken into account as well.

An unintended consequence for other languages could be that there is less money for interpreting and translating.

### **Duties on the Scottish Ministers**

4. The Bill will require the Scottish Government to prepare and publish a BSL National Plan (Section 1) and a BSL Performance Review (Section 5) in each parliamentary session (that is, normally every four years). The Scottish Government will also be required to designate a Minister with lead responsibility for BSL (Section 2). What should this Minister do?

Lead responsibility should be with the Minister for Social Justice, Communities and Pensioners' Rights, as equality falls within his remit. The minister should ensure that public bodies comply with this piece of disability legislation alongside equalities legislation.

5. The BSL Performance Review provides the basis for the Parliament to hold the Scottish Ministers to account, and for Ministers to hold listed authorities to account. If listed authorities say they will do something relating to the promotion of BSL, will the Performance Review process ensure they are held to account?

If the Performance Review is carried out using a co-production model so that members of the Deaf Community, their families and carers, as well as those organisations that support them are involved, then public bodies can be held accountable. It is important that Deaf BSL users are involved in the development of Authority Plans as this will affect them and their families.

### **BSL Authority Plans**

6. The Bill requires listed authorities to prepare and publish BSL Authority Plans in each parliamentary session. The Bill sets out what a BSL Authority Plan should include (Sections 3(3) and 3(4)).

### **Do you have any comments on the proposed content of the Plans?**

The BSL Plans should be agreed following engagement with the local Deaf Community, their families and carers, as well as the local deaf organisations. Deaf BSL users have different needs in terms of information and services can be different depending on where they live. For example, if internet access is not reliable, access to information could still be difficult if all the information is provided online. Deaf BSL users may then prefer information on DVD for example.

7. The Policy Memorandum (see diagram on page 6) explains the timescales for publication of Authority Plans. Do you have any comments on these proposed timescales?

The timescales may be quite tight, especially since public bodies will have to engage with the Deaf Community, their families and carers, and the organisations that support them. It may be more realistic to extend the timescale for the Scottish Government to design and publish the National Plan and carry out the Performance Review, then extend the timescale in proportion for the public bodies.

8. In preparing its Authority Plan, a public authority must consult with those who are "likely to be directly affected by the Authority Plan or otherwise to have an interest in that Plan" (Section 3(6)) and must take into account any comments made to it during the consultation (Section 3(5)). What effect do you think these requirements will have on you or your organisation?

It is important that the Deaf Community, their families and carers, as well as the organisations that support them are fully involved with the Authority Plans.

9. The Bill (Schedule 2) lists 117 public authorities that will be required to publish Authority Plans. Would you suggest any changes to the list of public authorities?

No

### **Financial implications**

The estimated costs of the Bill are set out in the Financial Memorandum (FM), which can be found at page 7 of the Explanatory Notes. The Finance Committee would welcome any views that could help it to scrutinise the Bill, including answers to the following questions.

### **Consultation**

10. Did you take part in any consultation exercise preceding the Bill and, if so, did you comment on the financial assumptions made?

There was consultation in 2012 with disability groups, and the council led disability forum, but financial implications were not included.

11. If applicable, do you believe your comments on the financial assumptions have been accurately reflected in the FM?

12. Did you have sufficient time to contribute to the consultation exercise?

No.

### **Costs**

13. If the Bill has any financial implications for your organisation, do you believe that they have been accurately reflected in the FM? If not, please provide details.

14. Do you consider that the estimated costs and savings set out in the FM are reasonable and accurate?

It is very difficult to be precise, but as far as can be predicted, yes.

15. If applicable, are you content that your organisation can meet any financial costs that it might incur as a result of the Bill? If not, how do you think these costs should be met?

There is no additional money available for the council to meet any financial increase. Additional funding should be made available from the Scottish Government.

16. Does the FM accurately reflect the margins of uncertainty associated with the Bill's estimated costs and with the timescales over which they would be expected to arise?

As far as can reasonably be predicted.

### **Wider Issues**

17. Do you believe that the FM reasonably captures all costs associated with the Bill? If not, which other costs might be incurred and by whom?

The cost of training for new BSL interpreters cannot be underestimated. Additional financial resources should be made available to encourage potential interpreters to come forward.

18. Do you believe that there may be future costs associated with the Bill, for example through subordinate legislation? If so, is it possible to quantify these costs?

More details would need to be available in order to quantify the financial implications resulting from further legislation.